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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11 IN RE COLLEGE ATHLETE NIL  
12 LITIGATION

CASE NO. 4:20-CV-03919-CW

13 **[PROPOSED] ORDER GRANTING**  
14 **PLAINTIFFS' MOTION FOR SUMMARY**  
15 **JUDGMENT AND TO EXCLUDE THE**  
16 **OPINIONS OF DR. GAUTAM**  
17 **GOWRISANKARAN AND BARBARA**  
18 **OSBORNE**

19 Before the Court is Plaintiffs' Motion for Summary Judgment and to Exclude the Opinions of  
20 Dr. Gautam Gowrisankaran and Barbara Osborne ("Motion"). The Court, having considered the  
21 parties' papers, the arguments of counsel, the relevant authorities, and all other matters presented,  
22 HEREBY ORDERS that:

23 1. Pursuant to Rule 56 of the Federal Rules of Civil Procedure, as well as *Celotex Corp.*  
24 *v. Catrett*, 477 U.S. 317 (1986) and related precedents, there is no issue of disputed material fact as to  
25 Plaintiffs' claims under the Sherman Act § 1 (15 U.S.C. § 1). For these reasons, the Court hereby  
26 GRANTS Plaintiffs' Motion for Summary Judgment as to Defendants' liability under the Sherman  
27 Act § 1 (15 U.S.C. § 1), with only the amount of damages to be determined at trial.

28 2. Pursuant to Rule 702 of the Federal Rules of Evidence, as well as *Daubert v. Merrell*  
*Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and related precedents, the challenged testimony of  
Dr. Gowrisankaran and Professor Osborne is inadmissible. For these reasons, the Court hereby

1 GRANTS Plaintiffs' Motion to Exclude the challenged testimony. The reports and testimony of Dr.  
2 Gowrisankaran and Professor Osborne are excluded in their entirety.

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4 **IT IS SO ORDERED.**

5 Dated: \_\_\_\_\_

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6 The Honorable Claudia Wilken  
7 United States District Court Judge  
8 Northern District of California  
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